

To: Wyckoff Site File

From: Helen Bottcher, RPM

**RE: Notes from meeting with Rich Brooks on April 5, 2018**

On Tuesday, April 5, I met with Rich Brooks in his office at the Suquamish Tribe. The purpose of the meeting was to discuss the Tribe's acceptance of RODA #1 – the RODA for the perimeter wall and intertidal beaches at the Wyckoff/Eagle Harbor site. I had sent Rich the draft text of the RODA by email on March 2, 2018. He had been through the document and was ready to discuss the Tribe's acceptance and outstanding concerns.

Rich gave me a printed list of issues he wanted to discuss (attached). As we went through the list, I made notes in the margins of my copy of the draft RODA. When I got back to the office, I made changes in the RODA text to address the Tribe's concerns, checking them off the list as I went.

The meeting was cordial and constructive. I was able to accommodate or otherwise address all of the Tribes' outstanding concerns. Key points in our discussion:

1. The exposure duration in the risk assessment calculations. The risk assessment used 60 days; the Tribe recommended 120 days, based on the Lower Duwamish risk assessment. I agreed to discuss the issue with Allison and to use either 120 days, if that seemed appropriate, or 151 days, which is the number of days per year that the beaches at the Wyckoff site are exposed. We ended up using 151 days – this is a site specific number appropriate for Wyckoff. The final risk assessment calculations and Cleanup Levels for RAO1 were adjusted accordingly in the final text of the Wyckoff RODA.
2. Rich noted inconsistencies in the RODA text about the demarcation layer in the cap. In some places, the language said "optional" but in other places it didn't. We discussed why the demarcation layer is important to the Tribe. Rich said that the Tribe wants people to be able to harvest shellfish from the beaches, including capped areas, in the future. The Tribe would oppose an institutional control that prohibited digging. A demarcation layer that discourages digging below it would protect people from accidentally digging through the reactive layer and being exposed to contaminated material below it. I explained that the reactive materials may need to be placed in a blanket or covered with a rock armor layer. If the reactive material layer includes something that would discourage digging, a separate demarcation layer would be redundant. I said I would explain that clearly in the text and use the word "optional" consistently throughout the RODA.
3. I agreed to send Rich the data used to calculate the background concentration in shellfish. I noted this calculation was performed for the Lower Duwamish ROD; I used the same background number for the Wyckoff site. As described in the RODA, future tissue sampling will include background locations to build a more robust background data set.
4. Rich provided me with a paper copy of a property easement that I'd never seen. The easement prevents hardening the shoreline just south of the Wyckoff site, and requires the City to move the hiking trail if erosion impacts the current trail alignment, rather than shoring up the trail. The purpose of the easement is to allow erosion of the bluff to serve as a source of sediment to East Beach. The access road improvement included in the RODA must not impact the area

protected by the easement. I agreed to add the easement to the site file and ensure the contractor designing the road improvements is aware of this requirement.

5. Rich affirmed that the Tribe supports the RODA. He said the Tribe appreciates that EPA agreed to send the dredged sediment to an offsite landfill, rather than dispose of it in the upland portion of the site. This issue was a concern for Tribal Council and was discussed in the Tribe's written comments on the Proposed Plan. I promised to send Rich the tribal acceptance language from the Lower Duwamish ROD, and he agreed to send back language to include in the Wyckoff RODA.
6. Rich reminded me that there is a cultural resources report for the site. I noted the report title and date so I can find it in the site file: EPA Superfund, Eagle Harbor/Wyckoff Facility, Cultural Resources Assessment, by Larson Anthropological and Archaeological Services Limited, December 10, 1999.
7. The Tribe continues to prefer the inside/landward alignment of the new wall, but accepts the outboard/seaward alignment, with mitigation for loss of habitat and impacts to resources. The Tribe is concerned about impacts on eelgrass. I agreed to quantify impacts on eelgrass as part of the remedial design / CWA 404 evaluation for the new wall and beach remediation. Rich suggested that we include both Ecology and Jeff Gaeckel of DNR when evaluating impacts and planning habitat mitigation.
8. Rich noted that WDFW has performed a forage fish survey on West Beach since the EBS was constructed. He agreed to send me contact information for Steve Todd (Suquamish) or the WDFW biologists who did the survey. This could be helpful in understanding and mitigating potential impacts to forage fish during construction.
9. Rich agreed to send me updated eelgrass extent data, collected by DNR.

Wyckoff – Eagle Harbor  
RODA 1 Documents  
Summary of Issues & Requested Modifications

R1

Capped Areas – Institutional Controls

- RODA1 Text Part 1: Edit last bullet to be consistent with language in RODA 1 Text Part 2, Section 13, sixth bullet (page 20). Issue: Institutional controls of capped areas do not affect future unrestricted shellfish harvests (Suquamish Treaty-reserved right issue)

✓ done

R2

Capped Areas – Design

Inconsistencies in documents on a demarcation layer. Issue: design to support unrestricted future clam harvesting activities

- RODA 1 Text Part 2: Section 9.1.2 and Section 9.2.3 (Nearshore Alternatives 2 and 3, pages 13 & 14) - Includes a demarcation layer
- RODA 1 Text Part 2: Section 13, Active Remediation, Second Bullet: "An optional demarcation layer"
- RODA 1 Figure 6: Conceptual design does not include a demarcation layer

OK

OK - add a new comment on figure

R3

Shellfish Target Tissue

- RODA 1 Text Part 2: Section 8.4 (page 12, second paragraph): Requested edits in first sentence
- Document request: Bivalve dataset information for establishing current shellfish background concentrations
- RODA 1 Text Part 2: Section 12 (page 19, second paragraph): Requested edits regarding shellfish target background

OK

Need to send more

→ no added detail in section 8 instead

R4

History/Cultural Resources

- RODA 1 Text Part 2: Section 2.1: Requested edits on Tribe and Tribal history
- Table 7 Location Specific ARARs: Edits on page 1 regarding archaeology/TCP/cultural items

OK

OK

R5

EH Importance/Consultation

- RODA 1 Text Part 2: Section 3, Page 6: Edits on importance of EH
- RODA 1 Text Part 2: Section 3, Page 6: Consultation throughout the decision-making process of response actions, including...??

OK

OK

R6

Road Alignment

- RODA 1 Text Part 2: Section 13.2 (Page 22): Discussion item – location of road alignment; Pritchard Park East restoration project; restrictive covenant

acknowledge except: no changes needed to text

R7

Other Edits

- RODA 1 Text Part 2: Section 2.5 and Section 3.0: Suggested edits on PSR and restoration actions

OK

- RODA 1 Text Part 2: Section 6: Requested edits on Tribe and shellfish growing area/shellfish harvesting language ) on
- RODA Figure 5: Milwaukee Dock northern depression completed; "Prohibited and Approved Shellfish Growing Areas"; Unclassified area is incorrectly depicted; Commercial Growing Area classifications

28 State/Tribal Acceptance

- Discussion item: RODA 1 Text Part 2: Section 10.2.2 (page 18)

) see  
point  
10.2.2